

ORDINANCE NO. 2015-10

AN ORDINANCE TO ESTABLISH A PROCEDURE FOR CHANGING OR AMENDING STREET NAMES IN THE CITY OF MALVERN, ARKANSAS

WHEREAS, the Malvern City Council desires to adopt an ordinance to establish a procedure for changing or amending street names for all of the public streets within the Malvern City limits.

WHEREAS, the Malvern City Council realizes that to change or amend street names would require the expenditure of funds for such things as new street signs, legal advertising and notification of property owners;

NOW, THEREFORE, BE IT ORDAINED by the Malvern City Council that the street names in the City of Malvern, Arkansas may be changed or amended upon compliance with the following sections of this Ordinance:

Section 1. Written Petition

Any person(s) or organization desiring to change the name of a public street within the City of Malvern, shall submit a written petition to the office of the Mayor, stating specifically the current name of the street, and the name to which the petitioners desire to have the street name changed. The petition shall have been signed by at least 75% of the 911 addressed property owners on the street and the signatures shall have been witnessed. The proposed name shall not duplicate or be deceptively similar to the name of any other public street in the City of Malvern, Arkansas. The name of a street shall be the same for its entire length. Renaming portions of streets will not be permitted.

Section 2. Criteria

Changes to the name of a public street are to be based on the following criteria:

1. A real person that has been deceased for **five** years;
2. A person who has achieved prominence as a result of his or her significant, positive contributions to the City of Malvern, Arkansas;
3. A person who has resided in the City of Malvern, Arkansas for at least **five** years and preferably on the proposed street in question;
4. The history of the street in question including its existing name.

Section 3. Estimated Costs

Upon the filing of a petition as set forth in Section 1, the Street Department Superintendent, or his designee, shall make an estimate as to the costs which the City will incur if the name of said street is changed. In making said estimate, the Street Department Superintendent shall take into consideration all costs which the City will incur, including, but not limited to, the following: the cost of street signs, the number of street signs required to be replaced, the labor and transportation costs for replacing said signs, and the cost of legal advertisements as required by law.

Section 4. Payment of Estimated Costs

Prior to submitting a petition for change of street name to the City Treasurer shall collect from the petitioner(s) the entire estimated costs of changing the street name as established in Section 3 above.

Section 5. Public Hearing

Upon the payment of the estimated costs, the Mayor shall submit to the City Council the written petition presented under Section 1 above, and the said City Council shall hold a public hearing.

Section 6. Refund of Unused Estimated Costs

After holding the public hearing, if the City Council, in its judgment, determines not to change the name of the street as requested by the petitioner or petitioners, then all of the estimated costs not expended for advertising shall be refunded to the petitioner or petitioners.

Section 7. Change of Name

After the public hearing, if the City Council, in its judgment, decides to rename the street as requested by the petitioner or petitioners, the name shall be changed and notice given.

Section 8. Council Initiated Action to Rename a City Street

The Malvern City Council may rename a street in order to correct errors in street names, or to eliminate confusion. Such action may be taken if it is determined that insignificant impact will result and it is desirable for the convenience of the general public. Renaming of streets by the City under the provisions of this section shall not be undertaken to rename a street after a person as provided for in other sections of this ordinance. Therefore, city initiated actions to rename a street under this section shall be exempt from compliance with sections 1-7 of this ordinance.

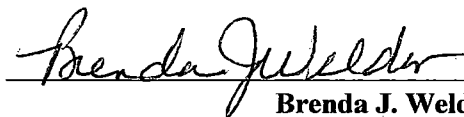
Section 9. Naming New Streets

City streets which shall hereinafter be platted, developed, and/or constructed may be named by the person, firm, or corporation platting, developing, or constructing said street. The proposed name shall not duplicate or be deceptively similar to the name of any other public street in the City of Malvern, Arkansas. Actions to name a street under this section shall be exempt from compliance with sections 1-7 of this ordinance.

Section 10. Severability


Should any portion of this Ordinance be declared invalid or unenforceable by any court of competent jurisdiction, said determination shall have no effect on the enforceability of other remaining portions of this Ordinance .

Passed this _14th_ day of _September_, 2015.



Brenda J. Weldon, Mayor

ATTEST:


Phyllis Dial, City Clerk